

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ALTAMIRANO SERMENO,

Plaintiffs,

v.

BUTTE COUNTY PROBATION
DEPARTMENT,

Defendant.

No. 2:23-cv-02739 KJM AC PS

FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding in this action pro se, and the case was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. (“Local Rule”) 302(c)(21). The complaint and plaintiff’s motion to proceed in forma pauperis (“IFP”) were filed on November 22, 2023. ECF Nos. 1 and 2. On January 31, 2024, the undersigned granted the motion to proceed IFP but rejected the complaint with leave file an amended complaint within 30 days, pursuant to the screening process required by the IFP statute. ECF No. 3. Plaintiff did not file an amended complaint. On March 7, 2024, the court issued an order to show cause within 14 days why the case should not be dismissed for failure to prosecute. ECF No. 4. Plaintiff did not respond. It appears that plaintiff has abandoned this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed, without prejudice, for lack of prosecution and for failure to comply with the court’s order. See Fed. R. Civ. P. 41(b); Local Rule 110.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Local Rule 304(d). Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

8 DATED: March 22, 2024

Allison Claire
ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE